

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FLOYD PATTERSON, JR.,)	
as Special Administrator)	
of the Estate of FLOYD)	
PATTERSON, III,)	
deceased,)	
Plaintiff,)	
vs.)	Case 20-CV-040-RAW
TERRY FREEMAN, in his)	
official capacity,)	
et al, .)	
Defendants.)	

DEPOSITION OF
MICHAEL SMITH

DATE: NOVEMBER 8, 2021

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1 sometimes I have to extend it to do more.

2 Q Going back to the time period that
3 Mr. -- Mr. Patterson was in -- was in the jail
4 and you were -- you had come back, you had come
5 back to the jail by that point, right? You said
6 you came back in January of 2018?

7 A 2018, yes, sir.

8 Q Okay. So you would have been the nurse
9 practitioner at the facility at the time that
10 Mr. Patterson was housed there, correct?

11 A Yes, sir.

12 Q All right. So during that time frame,
13 how often were you at the jail for sick call?

14 A A minimum of two -- two days a week.

15 Q Okay. And do you recall which days
16 those were?

17 A Tuesdays and Fridays.

18 Q And how many hours did you work?

19 A Usually three to three-and-a-half hours
20 each time. But, again, there were also numerous
21 times I would have to go back to the jail,
22 exclusive of those two times.

23 Q Right. But as just -- as far as just
24 your scheduled sick call hours, it was, what,
25 six to seven hours a week?

1 A Yes.

2 Q And describe for the jury, please, what
3 sick call is.

4 A It is where an inmate may have a need --
5 a medical need and then they request to be seen,
6 or if one of the staff members identifies a
7 need, then they will put that particular person
8 on my list to be seen.

9 Q Okay. So how -- you mentioned first
10 where an inmate makes a request. Is there any
11 -- is there any triage of those requests prior
12 to you actually seeing the inmate during sick
13 call?

14 A I -- I believe so.

15 Q Okay. You don't know?

16 A Well, I -- I -- they -- they also the
17 nurses also have daily sick call and I know that
18 there are several times that they put them on my
19 list after the nurses see them, complex
20 patients, patients with a lot of chronic medical
21 conditions or questions.

22 Q And who is it, if you know, at the jail
23 who would make that determination of when an
24 inmate needs to see you for sick call versus
25 simply the nurse sick call?

1 A To review and approve.

2 Q Okay. I've got here training. The
3 medical staff will assist in the delivery of
4 health care training for jail staff to enable
5 employees to respond to health related
6 situations. Did I read that correctly?

7 A Yes, sir.

8 Q And do you as the -- as the APRN at the
9 jail, do you have any role in delivering health
10 care training for the jail staff?

11 A No.

12 Q Do you do anything as the APRN at the
13 jail to ensure that that training is being
14 provided?

15 A No.

16 Q So to the extent that this policy
17 provides that training is to be provided with
18 respect to, for instance, here it says
19 recognition of signs and symptoms and knowledge
20 of actions required in potential emergency
21 situations. I mean, do you have any knowledge
22 as to whether or not that that training is
23 actually provided or not?

24 A I -- I depend on the medical supervisor
25 to ensure that.

1 worthless as a document if it's not being -- if
2 the medical staff is not reviewing it?

3 A Oh, there was a clear lack of
4 communication.

5 Q Okay. And who do you --

6 A But the policies are strong.

7 Q Who do you place that responsibility on,
8 that lack of communication?

9 A Well, probably the officer and Ms.
10 Petroski both. The officer for not alerting her
11 and Ms. Petroski for not looking at the
12 document.

13 Q Does -- and what is, again, what's Ms.
14 Petroski's -- and we -- I think you referred to
15 her prior to this as Rachel -- Rachel Petroski,
16 right?

17 A Yes, sir.

18 Q What -- what is her licensure?

19 A Certified medical assistant to the best
20 of my knowledge.

21 Q And does a certified medical assistant
22 have the training to actually conduct a medical
23 assessment?

24 A That's beyond her scope of practice if
25 you're asking about triage.